

10/588226

IAP11 Rec'd PCT/PTO 03 AUG 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: KRÜGER1

In re Application of: ) Conf. No.:  
Peter KRÜGER et al. )  
IA No: PCT/EP2005/000682 ) Art Unit:  
IA Filed: January 25, 2005 ) Examiner:  
Appln. No.: Not Yet Assigned ) Washington, D.C.  
For: COMESTIC PREPARATION CON- )  
TAINING A METALLIC PIGMENT) August 3, 2006

INFORMATION DISCLOSURE STATEMENT [IDS]

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building, Mail Stop Amendment  
401 Dulany Street  
Alexandria, VA 22314

Sir:

This Information Disclosure Statement is submitted in accordance with 37 CFR §§1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

[X] 1. This IDS should be considered, in accordance with 37 CFR §1.97, as it is filed:

[X] A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.

[X] 2. In accordance with 37 CFR §1.98, this IDS includes a list (e.g., form BN/SB/08A/B) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. Other than U.S. patent(s) and/or published U.S. application(s),

10/588226  
IAP11 Rec'd PCT/PTO 03 AUG 2006

which 37 CFR §1.98(a)(2)(ii) does not require to be filed unless specifically required by the Office, a copy of each document listed is attached, except as explained below:

[ ] A. Document(s) \_\_\_\_\_ is/are deemed substantially cumulative to document(s) \_\_\_\_\_, and, in accordance with 37 CFR §1.98(c), a copy of each of the former document(s) is not enclosed.

[ ] B. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon under 35 U.S.C. 120:

*(insert serial numbers and filing dates of prior applications)*

Applicant identifies these documents by attaching hereto copies of the forms PTO-892, PTO-1449, PTO/SB/08a and/or PTO/SB/08b (or their BN form equivalents) from the files of the prior application(s) or a fresh BN/SB/08A and/or BN/SB/08B listing these documents, and request that they be considered and made of record in accordance with 37 CFR §1.98(d). Per 37 CFR §1.98(d), copies of these documents need not be filed in this application.

[X] 3. Documents AB, AC, AD, AE, AF, AG, AH and AI are not in the English language. In accordance with 37 CFR §1.98(a)(3), Applicant states:

[X] An English translation of each document AB, AC, AD, AE, AF, AG, AH and AI (or of the pertinent portions thereof), or a copy of an English-language abstract (or claim) is enclosed.

[ ] For documents \_\_\_\_\_, a corresponding English-language patent or published application is included on the accompanying Form BN/SB/08A, with a line drawn in the margin connecting the non-English-language document with its corresponding English-language document.

[X] A concise explanation of the relevance of documents AB, AC, AD, AE, AK is found in the attached International search report (see reply

10/588226  
IAP11 Rec'd PCT/PTO 03 AUG 2006

to Comment 68 in the preamble to the final rules; 1135 OG 13 at 20).

[ ] A concise explanation of the relevance of document(s) \_\_\_\_\_ is set forth as follows:

[X] A concise explanation of the relevance of documents AA, AF, AG, AH, AI, and AJ can be found on pages 2 and 3 of the specification.

[ ] A concise explanation of the relevance of document(s) \_\_\_\_\_ can be found on the attached sheet.

[X] 4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).

6. In accordance with 37 CFR §§1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in 37 CFR §1.56(b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

Respectfully submitted,

BROWDY AND NEIMARK  
Attorneys for Applicant(s)

By:

  
Sheridan Neimark  
Registration No. 20,520

SN:th  
624 Ninth Street, N.W., Suite 300  
Washington, D.C. 20001-5303  
Telephone: (202) 628-5197  
Facsimile: (202) 737-3528

10/588226  
IAP11 Rec'd PCT/PTO 03 AUG 2006

BN/SB/08A/B

Substitute for form 1449A/PTO				Complete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	Not Yet Assigned
				Filing Date	Even Date Herewith
				First Named Inventor	Peter KRÜGER
				Group Art Unit	
				Examiner Name	
Sheet	1	of	1	Attorney Docket Number	KRUGER1
(use as many sheets as necessary)					

FOREIGN PATENT DOCUMENTS						
		Foreign Patent Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
Examiner Initials*	Cite No. <sup>1</sup>	Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
	AB	WO 2004/026268 A2	04-01-2004	Eckart GmbH & Co. KG		ABS
	AC	WO 02/102333 A1	12-27-2002	L'OREAL		ABS
	AF	DE 44 37 753 A1	04-25-1996	Basf AG		ABS
	AG	DE 198 36 810 A1	02-17-2000	Merck Patent GmbH		ABS
	AH	DE 101 14 445 A1	09-26-2002	Eckart Standard Bronzepulver		ABS
	AI	DE 101 14 446 A1	09-26-2002	Eckart Standard Bronzepulver		ABS
	AJ	EP 0 673 980 A2	09-27-1995	Silberline Ltd.		ABS
	AK	JP 2001-011342	01-16-2001	Fuji Pigment		ABS

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

10/588226  
IAP11 Rec'd PCT/PTO 03 AUG 2006

BN/SB/08A/B

Substitute for form 1449A/PTO		Complete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>		Application Number	
Filing Date			
First Named Inventor			
Group Art Unit			
Examiner Name			
Attorney Docket Number			

**NON PATENT LITERATURE DOCUMENTS /OTHER INFORMATION**

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.